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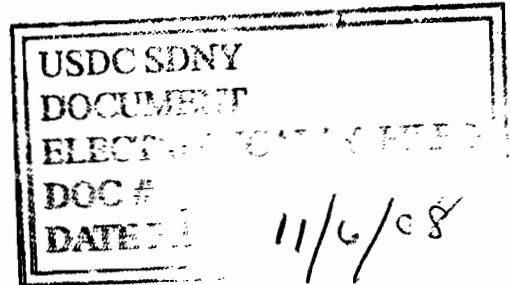
DUANE C. MILLER
MICHAEL AXLINE
A. CURTIS SAWYER, JR.

TRACEY L. O'REILLY
TAMARIN E. AUSTIN
EVAN EICKMEYER
DANIEL BOONE
HOWARD JAY SPECTER

November 5, 2008

VIA EMAIL AND FEDERAL EXPRESS

Honorable Shira A. Scheindlin
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1620
New York, New York 10007-1312



Re: *In Re MTBE Products Liability Litigation*, MDL 1358
This Document Relates to: *Tonneson, et al. v. Sunoco, Inc., et al., and Basso, et al. v. Sunoco, Inc., et al.*
Extension of Certain Case Management Order #35 Pretrial Deadlines

In Re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation

Doc. 2114

In light of the fact that the settlement with defendant Sunoco, Inc. should be finalized by early next week, and mediation with defendant Exxon Mobil Corporation is scheduled for November 22, 2008, with your Honor, the parties respectfully request that three pending pre-trial deadlines under Case Management Order #35 be slightly adjusted.

Event: Plaintiffs' Opposition to Defendants' MSJ re Causation

Current Deadline: Friday, November 7, 2008

Proposed Deadline: Wednesday, November 12, 2008

Plaintiffs' opposition will be significantly different if the settlement with Sunoco is finalized this weekend, and plaintiffs need only address Exxon.

Event: Parties Exchange Draft Pre-Trial Orders

Current Deadline: Monday, November 10, 2008

Proposed Deadline: Monday, November 24, 2008

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The parties will not need to expend significant time and effort on Pre-Trial Orders if the Sunoco settlement is finalized this weekend, and the mediation scheduled with Exxon is successful.

Event: Defendants' Replies to Motions in Limine

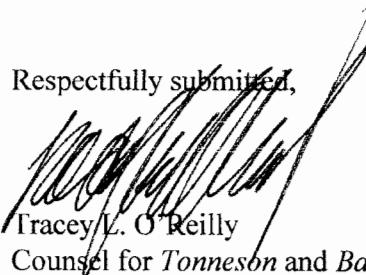
Current Deadline: November 17, 2008

Proposed Deadline: November 17-18, 2008

Since plaintiffs were permitted to serve their oppositions in stages over a period of two days (Nov. 3-4), defendant(s) should be permitted to serve their replies in the same manner.

All other pending pre-trial deadlines would remain the same. I have enclosed a copy of the most recent version of Case Management Order #35 for your reference. As stated above, all parties have agreed to the proposed extensions.

Respectfully submitted,


Tracey L. O'Reilly
Counsel for *Tonneson* and *Basso* plaintiffs

Encl.

cc: Liaison Counsel (via email)

All *Tonneson* and *Basso* Counsel (via email)

All Counsel (via LNFS)

Dated: New York, New York

November 6, 2008

SO ORDERED


Hon. Shira A. Scheindlin
U.S.D.J.